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December 12, 2023

VIA ECF

United States District Court
Honorable Lewis J. Liman
500 Pearl Street
New York, NY 10007

Re: *Andrade-Barteldes v. ASA College, Inc., et al.* – No. 23-cv-495
Request for the Court to Note the Default of Defendant Jose Valencia

Dear Judge Liman,

This firm represents the plaintiff, Ernest Andrade-Barteldes, along with the certified class and collective, in the above-referenced civil action. This action seeks recovery under the Fair Labor Standards Act and New York Labor Law of unpaid minimum wages and non-payment of wages by defendants to the plaintiff and a large group of adjunct instructors formerly employed by the defendants.

All of the defendants in this action have been served with process (ECF Docket #30, 32, 33). Defendants ASA College, Inc. (“ASA”) and Alexander Shchegol (“Mr. Shchegol”) have not responded to the complaint or otherwise appeared in this action. I am preparing the Clerk’s Certificate of Default for filing as to defendants ASA and Mr. Shchegol.

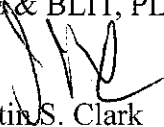
Defendant Jose Valencia (“Mr. Valencia”) filed an Answer (ECF Docket #45) and appeared by telephone for a conference with the Court, but did not respond to plaintiff’s Motion for Certification of the Class and Collective, has not responded to plaintiff’s discovery requests, and has not responded to the Court’s Order to Show Cause why he should not be deemed in default (ECF Docket #55-57). The form used for Clerk’s Certificate of Default does not anticipate such a situation, but rather, anticipates the typical default situation where there is no answer or motion in response to the Complaint.

In order to prepare the Clerk’s Certificate of Default as to Mr. Valencia, Plaintiff respectfully requests that the Court issue an Order on the docket noting that Mr. Valencia is in default. With that docket entry, Plaintiff believes that he will be able to proceed with obtaining the Clerk’s Certificate of Default for defendant Mr. Valencia.

Thank you for the Court's time and attention to this matter.

Respectfully submitted,

LEVINE & BLIT, PLLC



Justin S. Clark